

Introduced by Senators Dunn, Bowen, and Kuehl
(Coauthors: Assembly Members Evans, Jones, and Laird)

February 6, 2006

An act to amend Section 798.73 of the Civil Code, and amend Sections 18400.1 and 18424 of, and to repeal and amend 18502 of, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, as introduced, Dunn. Mobilehomes: park inspections.

(1) Existing law generally prohibits the management of a mobilehome park from requiring a mobilehome be removed from the park when it is sold to a third party during the term of the homeowner's rental agreement. However, in a sale to a third party, the management may require that a mobilehome be removed from the park in order to upgrade the quality of the park, if the mobilehome meets certain size and age criteria and it does not comply with specified health and safety standards as determined by an inspection by the appropriate enforcement agency.

This bill would permit home inspectors who hold specified contracting licenses to perform the inspections described above. The bill would require that copies of the inspector's reports be made available to both the homeowner and management and would prohibit the management from requiring a homeowner to use a home inspector of the management's choice for these purposes.

(2) The Mobilehome Parks Act regulates the conditions in mobilehome parks and special occupancy parks, as defined, and, until January 1, 2007, requires the Department of Housing and Community Development, and local government entities that assume enforcement duties, to inspect the parks pursuant to specified criteria and to issue notices of violations. Existing law, until January 1, 2007, establishes a

fee structure for permits for constructing and operating mobilehome parks and special occupancy parks and provides a different fee structure to take effect on and after January 1, 2007.

This bill would delete the date of January 1, 2007, and would extend the operation of the provisions described above currently in effect until January 2014. The bill would revise the date the subsequent fee structure would take effect in conformance with this change. The bill would also revise the annual operating permit fee structure which is to take effect following the termination of the current structure, and would update an element of the inspection criteria for parks. This bill would also remove superceded provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.73 of the Civil Code is amended to
2 read:

3 798.73. The management may not require the removal of a
4 mobilehome from the park in the event of its sale to a third party
5 during the term of the homeowner's rental agreement or in the 60
6 days following the initial notice required by paragraph (1) of
7 subdivision (b) of Section 798.55. However, in the event of a sale
8 to a third party, in order to upgrade the quality of the park, the
9 management may require that a mobilehome be removed from
10 the park ~~where~~ if:

11 (a) It is not a "mobilehome" within the meaning of Section
12 798.3.

13 (b) It is more than 20 years old, or more than 25 years old if
14 manufactured after September 15, 1971, and is 20 feet wide or
15 more, and the mobilehome does not comply with the health and
16 safety standards provided in Sections 18550, 18552, and 18605
17 of the Health and Safety Code and the regulations established
18 thereunder, as determined following an inspection by the
19 appropriate enforcement agency, as defined in Section 18207 of
20 the Health and Safety Code, *or by a home inspector who is*
21 *licensed as a C-47 General Manufactured Housing Contractor*
22 *or is licensed as a general contractor. Copies of the inspector's*
23 *reports made pursuant to this section shall be available to both*
24 *the homeowner and the management. The management shall not*

1 *require a homeowner to use a home inspector of the*
2 *management's choice for purposes of this section.*

3 (c) The mobilehome is more than 17 years old, or more than
4 25 years old if manufactured after September 15, 1971, and is
5 less than 20 feet wide, and the mobilehome does not comply with
6 the construction and safety standards under Sections 18550,
7 18552, and 18605 of the Health and Safety Code and the
8 regulations established thereunder, as determined following an
9 inspection by the appropriate enforcement agency, as defined in
10 Section 18207 of the Health and Safety Code, *or by a home*
11 *inspector who is licensed as a C-47 General Manufactured*
12 *Housing Contractor or is licensed as a general contractor.*
13 *Copies of the inspector's reports made pursuant to this section*
14 *shall be available to both the homeowner and the management.*
15 *The management shall not require a homeowner to use a home*
16 *inspector of the management's choice for purposes of this*
17 *section.*

18 (d) It is in a significantly rundown condition or in disrepair, as
19 determined by the general condition of the mobilehome and its
20 acceptability to the health and safety of the occupants and to the
21 public, exclusive of its age. The management shall use
22 reasonable discretion in determining the general condition of the
23 mobilehome and its accessory structures. The management shall
24 bear the burden of demonstrating that the mobilehome is in a
25 significantly rundown condition or in disrepair. The management
26 of the park may not require repairs or improvements to the park
27 space or property owned by the management, except for damage
28 caused by the actions or negligence of the homeowner or an
29 agent of the homeowner.

30 SEC. 2. Section 18400.1 of the Health and Safety Code is
31 amended to read:

32 18400.1. (a) In accordance with subdivision (b), the
33 enforcement agency shall enter and inspect mobilehome parks, as
34 required under this part, at least once every seven years, to ensure
35 enforcement of this part and the regulations adopted pursuant to
36 this part. The enforcement agency's inspection shall include an
37 inspection of the exterior portions of individual manufactured
38 homes and mobilehomes in each park inspected. Any notices of
39 violation of this part shall be issued pursuant to Chapter 3.5
40 (commencing with Section 18420).

(b) In developing its mobilehome park maintenance inspection program, the enforcement agency shall inspect the mobilehome parks that the enforcement agency determines either:

(1) Had the most serious, or a substantial number of serious, health and safety violations as a result of inspections of the parks made pursuant to the mobilehome park maintenance inspection program during the ~~1991 through 1999~~ *2000 through 2006* phase of the program.

(2) Have complaints that have been made to the enforcement agency regarding serious health and safety violations in the park. A single complaint of a serious health and safety violation shall not automatically trigger an inspection of the entire park unless upon investigation of that single complaint the enforcement agency determines that there is a violation and that an inspection of the entire park is necessary.

(c) Nothing in this part shall be construed to allow the enforcement agency to issue a notice for a violation of existing laws or regulations that were not violations of the laws or regulations at the time the mobilehome park received its original permit to operate, or the standards governing any subsequent permit to construct, or at the time the manufactured home or mobilehome received its original installation permit, unless the enforcement agency determines that a condition of the park, manufactured home, or mobilehome endangers the life, limb, health, or safety of the public or occupants thereof.

(d) Not less than 30 days prior to the inspection of a mobilehome park under this section, the enforcement agency shall provide individual written notice of the inspection to the registered owners of the manufactured homes or mobilehomes, with a copy of the notice to the occupants thereof, if different than the registered owners, and to the owner or operator of the mobilehome park and the responsible person, as defined in Section 18603.

(e) At the sole discretion of the enforcement agency's inspector, a representative of either the park operator or the mobilehome owners may accompany the inspector during the inspection if that request is made to the enforcement agency or the inspector requests a representative to accompany him or her. If either party requests permission to accompany the inspector or

1 is requested by the inspector to accompany him or her, the other
2 party shall also be given the opportunity, with reasonable notice,
3 to accompany the inspector. Only one representative of the park
4 owner and one representative of the mobilehome owners in the
5 park may accompany the inspector at any one time during the
6 inspection. If more than one representative of the mobilehome
7 owners in the park requests permission to accompany the
8 inspector, the enforcement agency may adopt procedures for
9 choosing that representative.

10 (f) The enforcement agency shall coordinate a preinspection
11 orientation for mobilehome owners and mobilehome park
12 operators with the use of an audio-visual presentation furnished
13 by the department to affected local enforcement agencies.
14 Enforcement agencies shall furnish the audio-visual presentation
15 to park operators and mobilehome owner representatives in each
16 park subject to inspection not less than 30 days prior to the
17 inspection. Additionally, it is the Legislature's intent that the
18 department shall, where practicable, conduct live presentations,
19 forums, and outreach programs throughout the state to orient
20 mobilehome owners and park operators on the mobilehome park
21 maintenance inspection program and their rights and obligations
22 under the program.

23 (g) Any local enforcement agency that relinquishes
24 enforcement authority to the department shall remit to the
25 department fees collected pursuant to paragraph (2) of
26 subdivision (c) of Section 18502 that have not been expended for
27 purposes of that paragraph.

28 (h) This section shall remain in effect only until January 1,
29 ~~2007~~ 2014, and as of that date is repealed, unless a later enacted
30 statute, which is enacted before January 1, ~~2007~~ 2014, deletes or
31 extends that date.

32 SEC. 3. Section 18424 of the Health and Safety Code is
33 amended to read:

34 18424. This chapter shall remain in effect only until January
35 1, ~~2007~~ 2014, and as of that date is repealed, unless a later
36 enacted statute, which is enacted before January 1, ~~2007~~ 2014,
37 deletes or extends that date.

38 SEC. 4. Section 18502 of the Health and Safety Code, as
39 amended by Section 8 of Chapter 520 of the Statutes of 1999, is
40 repealed.

1 ~~18502. Fees as applicable shall be submitted for permits:~~

2 ~~(a) Fees for a permit to conduct any construction subject to~~
3 ~~this part as determined by the schedule of fees adopted by the~~
4 ~~department.~~

5 ~~(b) Plan checking fees equal to one-half of the construction,~~
6 ~~plumbing, mechanical, and electrical permit fees, except that the~~
7 ~~minimum fee shall be ten dollars (\$10).~~

8 ~~(c) (1) Except for a temporary recreational vehicle park, an~~
9 ~~annual operating permit fee of twenty-five dollars (\$25) and an~~
10 ~~additional two dollars (\$2) per lot or two dollars (\$2) per~~
11 ~~camping party for the maximum number of camping parties to be~~
12 ~~accommodated at any one time in an incidental camping area.~~

13 ~~(2) Except for a special occupancy park, an additional annual~~
14 ~~fee of four dollars (\$4) per lot shall be paid to the department or~~
15 ~~the local enforcement agency, as appropriate, at the time of~~
16 ~~payment of the annual operating fee. All revenues derived from~~
17 ~~this fee shall be used exclusively for the inspection of~~
18 ~~mobilehome parks and mobilehomes to determine compliance~~
19 ~~with the Mobilehome Parks Act (Part 2.1 (commencing with~~
20 ~~Section 18200)) and any regulations adopted pursuant to the act.~~

21 ~~(3) The Legislature hereby finds and declares that the health~~
22 ~~and safety of mobilehome park occupants is a matter of public~~
23 ~~interest and concern and that the fee paid pursuant to paragraph~~
24 ~~(2) shall be used exclusively for the inspection of mobilehome~~
25 ~~parks and mobilehomes to ensure that the living conditions of~~
26 ~~mobilehome park occupants meet the health and safety standards~~
27 ~~of this part and the regulations adopted pursuant thereto.~~
28 ~~Therefore, notwithstanding any other provisions of law or local~~
29 ~~ordinance, rule, regulation, or initiative measure to the contrary,~~
30 ~~the holder of the permit to operate the mobilehome park shall be~~
31 ~~entitled to directly charge one-half of the per lot additional~~
32 ~~annual fee specified herein to each homeowner, as defined in~~
33 ~~Section 798.9 of the Civil Code. In that event, the holder of the~~
34 ~~permit to operate the mobilehome park shall be entitled to~~
35 ~~directly charge each homeowner for one-half of the per lot~~
36 ~~additional annual fee at the next billing for the rent and other~~
37 ~~charges immediately following the payment of the additional fee~~
38 ~~to the department or local enforcement agency.~~

39 ~~(d) Temporary recreational vehicle park operating permit fee~~
40 ~~of twenty-five dollars (\$25), with no additional fee for the lots.~~

1 ~~(e) Change in name fee or transfer of ownership or possession~~
2 ~~fee of ten dollars (\$10).~~

3 ~~(f) Duplicate permit fee or amended permit fee of ten dollars~~
4 ~~(\$10).~~

5 ~~(g) This section shall remain in effect only until January 1,~~
6 ~~2007, and as of that date is repealed, unless a later enacted~~
7 ~~statute, which is enacted before January 1, 2007, deletes or~~
8 ~~extends that date.~~

9 SEC. 5. Section 18502 of the Health and Safety Code, as
10 amended by Section 22 of Chapter 434 of the Statutes of 2001, is
11 amended to read:

12 18502. Fees as applicable shall be submitted for permits:

13 (a) Fees for a permit to conduct any construction subject to
14 this part as determined by the schedule of fees adopted by the
15 department.

16 (b) Plan checking fees equal to one-half of the construction,
17 plumbing, mechanical, and electrical permit fees, except that the
18 minimum fee shall be ten dollars (\$10).

19 (c) (1) An annual operating permit fee of twenty-five dollars
20 (\$25) and an additional two dollars (\$2) per lot.

21 (2) An additional annual fee of four dollars (\$4) per lot shall
22 be paid to the department or the local enforcement agency, as
23 appropriate, at the time of payment of the annual operating fee.
24 All revenues derived from this fee shall be used exclusively for
25 the inspection of mobilehome parks and mobilehomes to
26 determine compliance with the Mobilehome Parks Act (Part 2.1
27 (commencing with Section 18200)) and any regulations adopted
28 pursuant to the act.

29 (3) The Legislature hereby finds and declares that the health
30 and safety of mobilehome park occupants is a matter of public
31 interest and concern and that the fee paid pursuant to paragraph
32 (2) shall be used exclusively for the inspection of mobilehome
33 parks and mobilehomes to ensure that the living conditions of
34 mobilehome park occupants meet the health and safety standards
35 of this part and the regulations adopted pursuant thereto.
36 Therefore, notwithstanding any other provisions of law or local
37 ordinance, rule, regulation, or initiative measure to the contrary,
38 the holder of the permit to operate the mobilehome park shall be
39 entitled to directly charge one-half of the per lot additional
40 annual fee specified herein to each homeowner, as defined in

1 Section 798.9 of the Civil Code. In that event, the holder of the
2 permit to operate the mobilehome park shall be entitled to
3 directly charge each homeowner for one-half of the per lot
4 additional annual fee at the next billing for the rent and other
5 charges immediately following the payment of the additional fee
6 to the department or local enforcement agency.

7 (d) Change in name fee or transfer of ownership or possession
8 fee of ten dollars (\$10).

9 (e) Duplicate permit fee or amended permit fee of ten dollars
10 (\$10).

11 (f) This section shall remain in effect only until January 1,
12 ~~2007~~ 2014, and as of that date is repealed, unless a later enacted
13 statute, which is enacted before January 1, ~~2007~~ 2014, deletes or
14 extends that date.

15 SEC. 6. Section 18502 of the Health and Safety Code, as
16 amended by Section 9 of Chapter 520 of the Statutes of 1999, is
17 amended to read:

18 18502. Fees as applicable shall be submitted for permits:

19 (a) Fees for a permit to conduct any construction subject to
20 this part as determined by the schedule of fees adopted by the
21 department.

22 (b) Plan checking fees equal to one-half of the construction,
23 plumbing, mechanical, and electrical permit fees, except that the
24 minimum fee shall be ten dollars (\$10).

25 ~~(c) Except for a temporary recreational vehicle park, an~~
26 ~~annual operating permit fee of twenty-five dollars (\$25) and an~~
27 ~~additional two dollars (\$2) per lot or two dollars (\$2) per~~
28 ~~camping party for the maximum number of camping parties to be~~
29 ~~accommodated at any one time in an incidental camping area.~~

30 ~~(d) Temporary recreational vehicle park operating permit fee~~
31 ~~of twenty-five dollars (\$25), with no additional fee for the lots.~~

32 ~~(e)~~

33 ~~(d)~~ Change in name fee or transfer of ownership or possession
34 fee of ten dollars (\$10).

35 ~~(f)~~

36 ~~(e)~~ Duplicate permit fee or amended permit fee of ten dollars
37 (\$10).

38 ~~(g)~~

1 (f) This section shall become operative on January 1, ~~2007~~
2 2014.

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